

1 THE HONORABLE JAMES L. ROBART
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 v. Plaintiff,) Case No. 2:12-cv-01282-JLR
12 CITY OF SEATTLE,) DEFENDANT CITY OF SEATTLE'S
13 Defendant.) RESPONSE TO MOTIONS FOR LEAVE TO
14) PARTICIPATE AS AMICI CURIAE
15) NOTE ON MOTION CALENDAR:
16) March 28, 2023
17)
18)
19)
20)
21)
22)
23)

On April 26, 2023, the Seattle Community Police Commission and the American Civil Liberties Union of Washington, organizations, and Anthony Sims, an individual, filed motions for leave to file as amici curiae in response to the parties' Joint Motion to Approve Compliance Agreement. The City hereby submits its response to those motions.

This Court has broad discretion to either grant or reject the participation of an amicus curiae. *Gerritsen v. de la Madrid Hurtado*, 819, F.2d 1511, 1514 n.3 (9th Cir. 1987). "District courts may consider amicus briefs from non-parties concerning legal

DEFENDANT CITY OF SEATTLE'S RESPONSE TO MOTIONS FOR
LEAVE TO PARTICIPATE AS AMICI CURIAE - 1
(12-CV-01282-JLR)

Ann Davison
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7095
(206) 684-8200

1 issues that have potential ramifications beyond the parties directly involved or if the
2 amicus has unique information or perspective that can help the court beyond the help that
3 the lawyers for the parties are able to provide.” *Macareno v. Thomas*, 378 F. Supp. 3d
4 933, 940 (W.D. Wash. 2019) (quoting *NGV Gaming, Ltd. v. Upstream Point Molate,*
5 *LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (citations and internal quotation marks
6 omitted)).

7 The City of Seattle takes no position as to whether the participation of the above
8 entities and individual would assist the Court in this manner. However, if this Court
9 determines that participation would be helpful and grants any of them leave to file a brief,
10 then the City would request that the Court permit the City an opportunity to respond. The
11 City seeks leave to submit one, combined response to all three briefs and further requests
12 that the response be due no earlier than May 12, 2023.

13
14
15
16
17
18
19
20
21
22
23
DEFENDANT CITY OF SEATTLE’S RESPONSE TO MOTIONS FOR
LEAVE TO PARTICIPATE AS AMICI CURIAE - 2
(12-CV-01282-JLR)

Ann Davison
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7095
(206) 684-8200

1 Respectfully submitted,

2 DATED this 28th day of April, 2023.

3
4 For the CITY OF SEATTLE
5 ANN DAVISON
Seattle City Attorney
6

s/ Kerala Cowart
7 Kerala Cowart, WSBA #53649
8 Assistant City Attorney
Phone: (206) 733-9001
Fax: (206) 684-8284
Email: Kerala.Cowart@seattle.gov

9
s/ Jessica Leiser
10 Jessica Leiser, WSBA #49349
11 Assistant City Attorney
Phone: (206) 727-8874
Fax: (206) 684-8284
Email: Jessica.Leiser@seattle.gov

12 Seattle City Attorney's Office
13 701 Fifth Avenue, Suite 2050

14
15
16
17
18
19
20
21
22
23 DEFENDANT CITY OF SEATTLE'S RESPONSE TO MOTIONS FOR
LEAVE TO PARTICIPATE AS AMICI CURIAE - 3
(12-CV-01282-JLR)

Ann Davison
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7095
(206) 684-8200